



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 15 2012

REPLY TO THE ATTENTION OF:

WC-15J

CERTIFIED MAIL 7009 1680 0000 7669 4889
RETURN RECEIPT REQUESTED

Deer View, LLC

FOIA Exemption (b) (6)

Carthage, Illinois 62321

Subject: **Amended Inspection Report for March 22 and 23, 2012 Compliance
Evaluation Inspection**

To Whom it May Concern:

Enclosed, please find a copy of the amended U.S. Environmental Protection Agency Inspection Report for the Concentrated Animal Feeding Operation inspection conducted at Deer View, LLC on March 22 and 23, 2012. The original Inspection Report dated May 9, 2012 has been amended to reflect corrections submitted to EPA in a letter dated June 18, 2012 by FOIA Exemption (b) (6) of Professional Swine Management.

Thank you for your prompt attention to this matter. If you have any questions, please contact Joan Rogers of my staff at (312) 886-2785.

Sincerely,

Ryan J. Bahr, Chief, Section 2
Water Enforcement and Compliance Assurance
Branch

Enclosure

cc: Eric Ackerman, IEPA, Peoria Region Field Office

CWA COMPLIANCE EVALUATION INSPECTION REPORT (AMENDED)
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5

Purpose:

Compliance Evaluation Inspection

Facility:

Deer View, LLC
1487 East County Road 150
West Point, Illinois 62380

NPDES Permit Number:

N/A

Date of Inspection:

March 22 and 23, 2012

EPA Representatives:

Joan Rogers, Environmental Scientist
Don Schwer, Environmental Engineer

312-886-2785

312-353-8752

State Representatives:

None

Facility Representatives:

FOIA Exemption (b) (6) Professional Swine Management Employee,
Director of Sow Production
(Amended from Production Manager)

FOIA Exemption (b) (6)

FOIA Exemption (b) (6), Carthage Veterinary Service Employee

Report Prepared by:

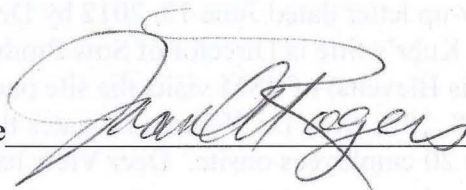
Joan Rogers, Environmental Scientist
rogers.joan@epa.gov

312-886-2785

Report Date:

November 6, 2012

Inspector Signature



BACKGROUND

The purpose of this report is to describe, evaluate and document the Deer View, LLC's compliance with the Clean Water Act (CWA) at its West Point, Illinois facility on March 22 and 23, 2012.

Deer View, LLC is a swine farrowing facility located in Hancock County, Illinois. It was constructed in 2007 or 2008. It is owned by Deer View, LLC and operated by employees of Professional Swine Management (PSM). (During the March 22, 2012 inspection, [FOIA Exemption (b) (6)] stated the details of the owners and operators of Deer View, LLC. In a follow up letter dated June 18, 2012 by [FOIA Exemption (b) (6)] of PSM, [FOIA Exemption (b) (6)] states that Deer View LLC is owned by Deer View, LLC, operated by employees of Deer View, LLC and managed by employees of Professional Swine Management.) Deer View, LLC (Deer View) is considered a large swine Concentrated Animal Feeding Operation (CAFO) due to the number of hogs greater than 55 pounds maintained on the facility.

Deer View has approximately 6000 sows, 1800 hogs from 20 to 300 pounds, and 8000 piglets. The facility is at its animal capacity. [FOIA Exemption (b) (6)] is a Certified Livestock Manager.

Deer View is located adjacent to an intermittent unnamed tributary which flows approximately 1.25 miles southwest to a perennial unnamed tributary. After that, it flows approximately 0.5 miles to Panther Creek. Panther Creek is perennial and has been assessed, but is not on the 303d list of impaired waters. Panther Creek flows to Bear Creek, which in turn flows to the Mississippi River.

SITE INSPECTION

EPA arrived at Deer View at 10:07 A.M. on March 22, 2012. The temperature was approximately 65°F and there was a light rain. EPA called the phone number on the sign at the entrance to Deer View and spoke with [FOIA Exemption (b) (6)] at Carthage Veterinary Service (CVS). [FOIA Exemption (b) (6)] directed the call to [FOIA Exemption (b) (6)], from Professional Swine Management (PSM) who stated that someone would drive out to Deer View from Carthage for the inspection. [FOIA Exemption (b) (6)] estimated that the representatives would arrive at approximately 11:15 A.M. At approximately that time, EPA met with Deer View representatives [FOIA Exemption (b) (6)] and [FOIA Exemption (b) (6)] (amended from [FOIA Exemption (b) (6)]). EPA presented credentials, donned disposable boots and began a records review, with completion of the EPA CAFO checklist and the Federal CAFO Nutrient Management Plan Checklist, in the reception shed at the west entrance of the facility.

While [FOIA Exemption (b) (6)] is the production manager, he only visits the site one time per month. (During the March 22, 2012 inspection, [FOIA Exemption (b) (6)] stated that he was the production manager. In a follow-up letter dated June 18, 2012 by [FOIA Exemption (b) (6)] of PSM, [FOIA Exemption (b) (6)] states that [FOIA Exemption (b) (6)] title is Director of Sow Production.) [FOIA Exemption (b) (6)] (amended from [FOIA Exemption (b) (6)]) of PSM visits the site one time per week. (In the follow-up letter dated June 18, 2012 from [FOIA Exemption (b) (6)], he states that [FOIA Exemption (b) (6)] is the Production Manager.) There are 20 employees onsite. Deer View has shallow pits below

five barns that are pumped to two slurry storage units. The capacity of the slurry storage units is 3,209,733 ft³ which represents storage for 740 days. The level of manure in the slurry storage units are recorded weekly and each is pumped down in the fall and in the spring when necessary. Manure is injected when land applied. Deer View has 856 available acres for land application.

The hogs utilize nipple waters and some troughs for drinking water. A mist cooling system helps to keep the hogs cool in warm weather. Spilled drinking water and the mist cooling water falls to the under-barn pits and is processed with the manure. Mortalities are composted on site in a Compost Building. Deer View uses sawdust to assist with the composting. The animals are kept in total confinement and thus are never allowed into pasture or to access waters of the United States.

Deer View has a Comprehensive Nutrient Management Plan (CNMP) which was developed by [FOIA Exemption (b) (6)] of Frank and West, Inc. EPA asked to see it and [FOIA Exemption (b) (6)] retrieved it from the office on site. Although the CNMP stated that no soil sampling was done at the time of development, the CNMP was put into service on October 25, 2010 and was for operations through 2014. The sections reviewed and identified as present in the CNMP were:

- Maps of the fields with setbacks identified
- Plat map of facility property with owners identified
- Site information including barn layout map
- Facility inventory and building sizes
- Waste volume calculations
- Emergency action plan
- Land Treatment Practices including soil type, crop type, yield goals, soil loss T value and RUSLE2 index
- Phosphorous Risk Assessment
- Summary of manure applications through 2014 per field
- Running totals of manure production
- Manure analysis
- Manure Easement agreements
- Calibration safety recommendations

Although there was no Chemical Management section in the CNMP, [FOIA Exemption (b) (6)] stated that MSDS sheets were maintained on site for all chemicals used. The most recent manure analysis in the CNMP was done in June 2009. The CNMP listed Professional Swine Management as the Livestock Manager. Records were being kept for:

- Freeboard levels
- Facility inspections
- Invoices for custom land applications services

Walkthrough of the Facility

EPA began the walkthrough of the facility on the west side and observed the two above ground slurry storage units. The headwater of an intermittent unnamed tributary

began just to the west of the slurry storage units. Storm water flowed around the slurry storage units via storm water pathways. The furthest west barn, the ISO-Nursery was alongside the driveway to the slurry storage units. The next barn to the east was the Gilt Developer Unit (GDU). North of the GDU, EPA observed the lift station that pumped manure to either of the slurry storage units.



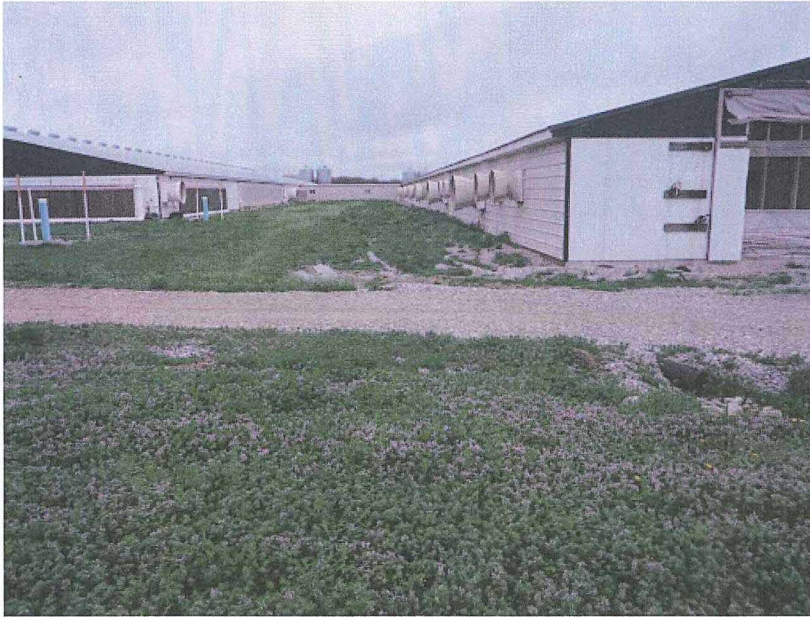
IMGP0325: Storm water pathway flows on west side of facility.

Location: North of south slurry store.

Facing: South

Date/Time: 03/22/12 1:12 P.M.

EPA walked east along the north side of the two gestation buildings and the farrowing building. EPA did not observe any discharges or discharge pathways from the buildings on the day of the inspection. Storm water from between the buildings was conveyed to the north via storm water piping.



IMGP0329: Storm water pipe conveys storm water from between buildings to the north.
Location: North of Farrowing Building.
Facing: South
Date/Time: 03/22/12 1:19 P.M.

The Compost Building lies at the furthest northeast corner of the production area. Sawdust is used in the composting process. EPA observed leachate from either the sawdust or the compost barn in front of the Compost Building. Deer View representatives maintained that the area in front of the Compost Building is cleaned by hose on a regular basis. The leachate did not extend past the front of the building.



IMGP0330: Compost Building for composting mortalities.

Location: Compost Building.

Facing: East

Date/Time: 03/22/12 1:20 P.M.

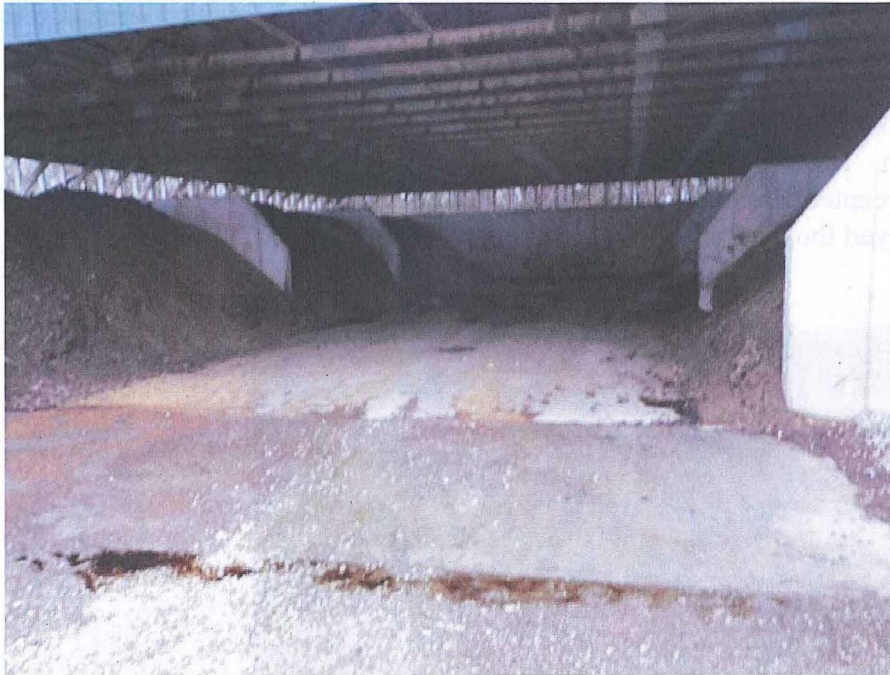


IMGP0331: Sawdust storage for composting process.

Location: Composting Building.

Facing: North

Date/Time: 03/22/12 1:21 P.M.



IMGP0332: Inside the Compost Building. Small amount of leachate at entrance.

Location: Compost Building.

Facing: East

Date/Time: 03/22/12 1:21 P.M.



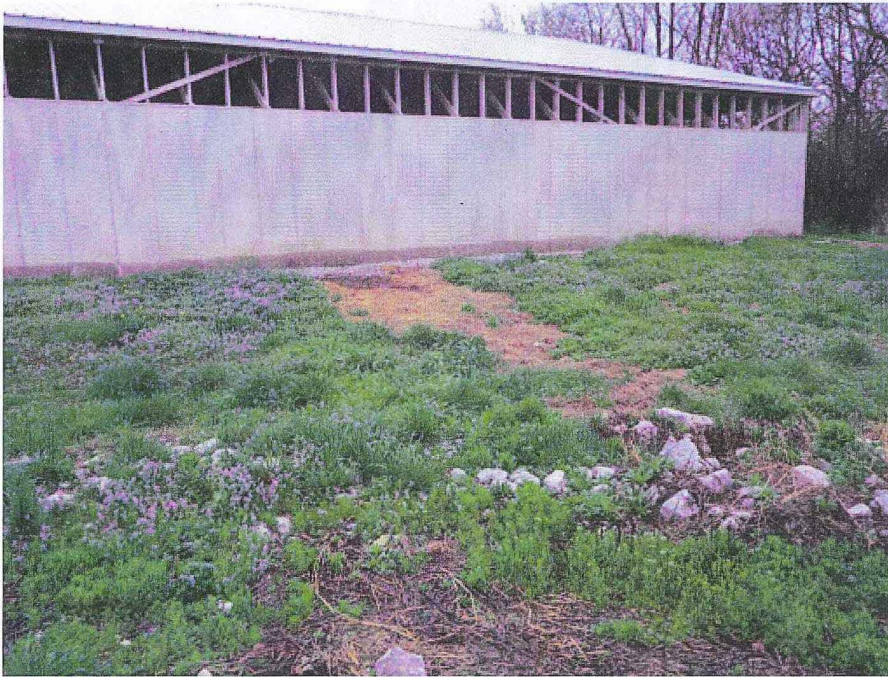
IMGP0333: Leachate from Compost Building did not extend to the rocks to the south of the building.

Location: Compost Building.

Facing: Southeast

Date/Time: 03/22/12 1:22 P.M.

EPA identified an area on the south wall of the Compost Building that appeared to have compost leachate seeping between the wall and the concrete floor. The vegetation in front of this area appeared nutrient burned. There was no visible flow from the Compost Building to a waterway, although a storm water pathway was approximately fifty feet to the south. The storm water pathway continued downhill to a tile inlet pipe. The tile inlet pipe accepted storm water from the hill to the north and another hill to the south. It then conveyed the flow to the east where it discharged storm water to a hillside.



IMGP0334: South wall of Compost Building had seepage from wall to hillside.

Location: South of Compost Building.

Facing: Northwest

Date/Time: 03/22/12 1:23 P.M.



IMGP0335: Storm water pathway to storm water inlet. Compost Building is on the right in background.

Location: East of Gestation 2 Building.

Facing: Northwest

Date/Time: 03/22/12 1:26 P.M.



IMGP0337: Storm water outlet was to the east, down the hill and through the trees.

Location: East of Gestation 2 Building.

Facing: East

Date/Time: 03/22/12 1:27 P.M.



IMGP0338: Outlet for storm water pipe is under the rocks on east hillside.

Location: East of Gestation 2 Building.

Facing: Down

Date/Time: 03/22/12 1:27 P.M.

At the southeast corner of the production area, EPA observed what appeared to be the septic field for the facility. A standing pool of what appeared to be septage water gave the EPA inspectors the impression that the septic field was overloaded. The water flowed to the southeast to a roadside ditch for County Road 150. To maintain biosecurity precautions, Deer View employees must take a shower before entering the facility and before leaving. EPA speculated that the septic field was not originally designed to handle over 40 showers per day. Deer View representatives indicated that they would address this problem immediately.



IMGP0340: Septic field for facility appeared to be overloaded. Standing septage water flowed to roadside ditch.

Location: Southeast corner of facility.

Facing: Southeast

Date/Time: 03/22/12 1:31 P.M.



IMGP0341: Standing septage water flowed to roadside ditch.

Location: Southeast corner of facility.

Facing: Northeast

Date/Time: 03/22/12 1:32 P.M.



IMGP0342: Septage water from apparently overloaded septic field flowed down to the roadside ditch.

Location: Southeast corner of facility.

Facing: North

Date/Time: 03/22/12 1:32 P.M.



IMGP0343: Septage water from apparently overloaded septic field flowed down to the roadside ditch on north side of County Road 150.

Location: Southeast corner of facility.

Facing: Southeast

Date/Time: 03/22/12 1:32 P.M.

On the south side of the facility, EPA noted that there was no spilled feed below the bulk tanks on the day of the inspection. Vegetation between the Farrowing Building and Gestation 2 Building and between Gestation 1 Building and the GDU did not appear to be nutrient burned. There were not discharge pathways from between the buildings on the day of the inspection.



IMGP0344: Bulk bins on south side of Gestation 2 Building .

Location: South of Gestation 2 Building.

Facing: Northwest

Date/Time: 03/22/12 1:33 P.M.

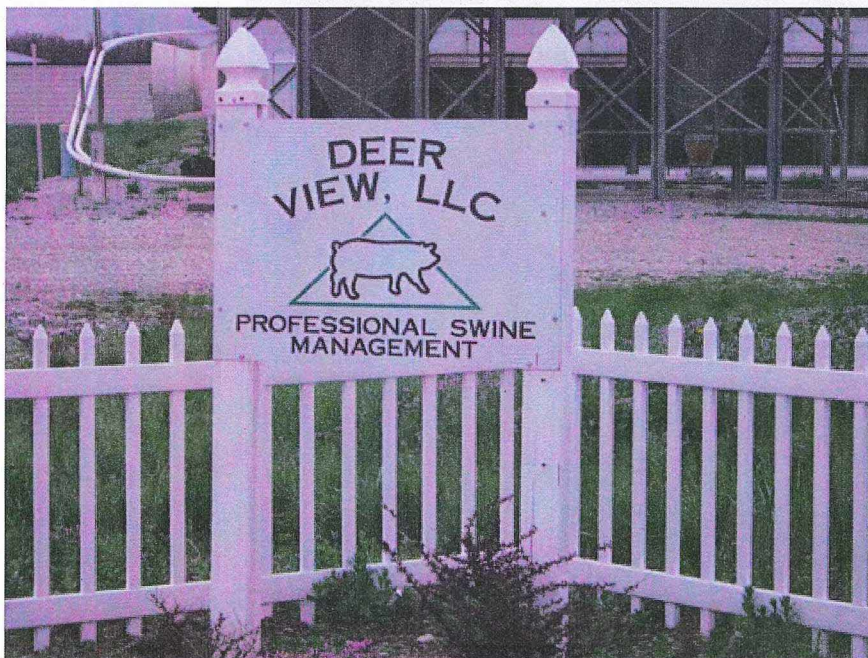


IMGP0345: Vegetation between Farrowing Building and Gestation 2 Building does not appear to be nutrient burned.

Location: South of Farrowing and Gestation 2 Buildings

Facing: North

Date/Time: 03/22/12 1:34 P.M.



IMGP0348: Deer View, LLC sign at east entrance. A Professional Swine Management Facility.

Location: South of east entrance on County Road 150.

Facing: Northwest

Date/Time: 03/22/12 2:12 P.M.

EPA performed a closing conference with [FOIA Exemption (b) (6)] and [FOIA Exemption (b) (6)] (amended from [FOIA Exemption (b) (6)]). EPA informed them that the Illinois Environmental Protection Agency (IEPA) inspector would be notified about the septic field. Arrangements were made to meet with facility representatives and custom applicator on the following day to observe some nearby land application fields and to view additional documents. EPA removed the disposable boots and they were disposed of by [FOIA Exemption (b) (6)]. No samples were taken.

On March 23, 2012, at 10:50 A.M., EPA inspectors met with PSM representative [FOIA Exemption (b) (6)] and [FOIA Exemption (b) (6)] the custom applicator and owner of Bradshaw Custom Pumping. One of [FOIA Exemption (b) (6)] employees, [FOIA Exemption (b) (6)], also was present. [FOIA Exemption (b) (6)] provided the Manure Application Log for all the manure applications from 2008 to the present day. [FOIA Exemption (b) (6)] provided Soil Test Results which showed that soil testing was done in April 2009, although these results were not included in the CNMP of October 2010.

EPA followed [FOIA Exemption (b) (6)] and [FOIA Exemption (b) (6)] to Field 32 where 8-10,000 gallons (amended from pounds) of manure per acre was applied in the fall of 2011. Due to the passage of time, EPA was not able to verify that buffers and setbacks were maintained during the manure application. Likewise, EPA could not verify that buffers and setbacks from existing waterways were maintained during manure applications in Fields 21-25.

A discussion with [FOIA Exemption (b) (6)] about the level of competency of his applicators followed. [FOIA Exemption (b) (6)] stated that all the applicators that work for him have at least a Level 1 Certification through the University of Illinois Ag Extension. Some of [FOIA Exemption (b) (6)] applicators also have Level 2 Certification. This is a voluntary program, but in the training for the basic Level 1 Certification, applicators are taught application techniques, spill response and state-specific regulations.

EPA removed the disposable boots, left them with [FOIA Exemption (b) (6)] and concluded the inspection at 11:30 A.M. EPA followed all biosecurity procedures and obtained a car wash including undercarriage wash for the vehicle following the inspection.



IMGP0358: Observing setbacks from waterways was not feasible as the land application was conducted several months prior.

Location: At land application field.

Facing: N/A

Date/Time: 03/23/12 11:21 A.M.

POTENTIAL VIOLATIONS

According to Section 301(a) of the Clean Water Act, it is a violation to discharge pollutants from a CAFO to waters of the United States without a permit.

EPA observed potential discharges in the following location:

1. Process wastewater from the septic field overflowed to a roadside ditch on the north side of County Road 150.

AREA OF CONCERN

EPA observed this area of concern whereby pollutants have the potential to reach waters of the United States:

1. From the south wall of the Compost Building to the storm water pathway to the south.

LIST OF ATTACHMENTS

- A) Aerial photograph of Deer View, LLC with buildings, waterways and discharge pathways labeled.